

GUIDE TO NEIGHBOUR NUISANCE AND ANTISOCIAL BEHAVIOUR



All tenants sign a tenancy agreement. This is a contract between us and you, and sets out your and our legal responsibilities. You will be breaking your tenancy agreement if you (or a member of your family, your visitors or your agents) cause damage, or are a nuisance in or near our property, or disrupt the life of your community.

If other tenants in your neighbourhood are a nuisance and affect your life, we can take action against them.

Types of nuisance

Some types of neighbour nuisance may be due to a difference in lifestyle and you may be able to resolve these with neighbours without much help from us. Other types of nuisance may be serious antisocial behaviour or criminal activity and you would not be expected to resolve these yourself.

Nuisance can include:

- Noise
- Verbal abuse
- Harassment
- Criminal behaviour
- Cars and vehicles, such as inconsiderate parking or repairs in the street
- Children and youths misbehaving

Discussing the problem with your neighbour

With all neighbour complaints, we will ask if you have discussed the problem with your neighbour. Very often, making your neighbour aware of your concerns in a reasonable way can sort out problems quickly. It is important to remember that once you make the complaint official to us, it can sometimes make the problem worse before it gets better. We will try to keep your complaint confidential wherever possible, but very often this is not possible because of the nature of the complaint.

We also offer a mediation service, which can help you talk to your neighbour by bringing in someone else who is not involved but could help you understand each other's points of view.

If you want advice on how to talk to your neighbour or how to use mediation, please ring us Freephone 0800 915 6660

Antisocial behaviour and crime

Antisocial behaviour (ASB) is serious nuisance and can be any behaviour that causes, or is likely to cause, harassment, alarm or distress to other people living in your neighbourhood. If anyone threatens or disrupts the quiet enjoyment of other people, we will take action to make sure the nuisance stops.

Antisocial behaviour covers everything from letting your garden become an eyesore to drug dealing or physical violence. For example:

- Playing your music too loud
- Dumping rubbish
- Threatening or swearing at neighbours
- Assault or physical violence
- Racist or homophobic abuse or graffiti
- Damaging neighbours' homes or property.

Many criminal acts are also classed as antisocial behaviour - for example, vandalism, drug dealing, abusive language and abusive behaviour. We will take action against the person committing such acts, and will also involve Leeds City Council's Antisocial Behaviour Unit, but you should always contact the police first. Telephone 0845 60 60 606 to report any crime to the police, but if the crime is in progress or there is a danger to someone's life, ring 999.

Reporting nuisance

If you are suffering minor nuisance and think you can sort this out by talking to your neighbour, please try this first. If you have experienced a serious problem that you think is a crime, contact the police as soon as possible.

For all nuisance, contact us for advice and to ask us to take action as a landlord.

You can report incidents and make a complaint by contacting 0800 915 6660, or by contacting your local housing officer in person or in writing with full details of your complaint. Or, you can fill in a neighbour nuisance incident record form, which is available from all local housing offices.

Action by us

- A housing officer will visit you or interview you within five working days of your complaint.
- We will visit you within 24 hours if you report a racial incident, if you are at risk of violence, or if there is damage to our property. He or she will fully discuss your complaint and ask for your permission to contact your neighbour, if this is appropriate.
- When you and your neighbour have both had the opportunity to put your cases forward, your housing officer will decide whether there is any need for further action and, if so, what this will be. You will be told about this in writing.

If the problems continue, we will ask you to fill in neighbour nuisance incident record forms. On these forms you must record in full the details of the incidents, and the times they happened. Please remember to keep a copy of this information as it is essential if the matter is to continue further.

Supporting information

Neighbour nuisance can often be very complicated, and it is important that you provide as much information as possible. We will, if appropriate, contact:

- other neighbours
- the police;
- other council departments (such as social services and education)
- solicitors; and
- doctors or consultants.

Legal action

If you or your neighbours are causing nuisance and don't want to work with us to sort this out, we will consider taking legal action.

If we want to take someone to Court, we need to have enough evidence to be able to prove the case. This means gathering information carefully, and usually showing that the problem has happened over a period of time. It is likely that the person making the complaint will have to go to court and give evidence. In very serious cases, however, we may be able to use professional staff as witnesses.

Here are some examples of what a court can order.

• Possession proceedings

The court orders possession of the property and the tenant is evicted. This can be quite lengthy, particularly if the case is defended. It may need two court hearings.

• Demoted tenancies

The court can order that a secure tenancy becomes a 'demoted tenancy' for 12 months. This means that you will lose your security of tenure and your right to buy for the length of the demotion. If the nuisance continues after a demotion order has been granted, we can return to court and a possession order will be granted.

• Injunctions

The court issues an 'injunction'. This can order the nuisance to stop. If the nuisance doesn't stop, the tenant can be arrested and sent to prison. The court can issue an injunction more quickly - 24 hours for serious issues and about four weeks for less serious issues.

• Antisocial behaviour order (ASBO)

The police or local authority can apply for an order in a magistrates' court to stop the antisocial behaviour of anyone aged 10 or over. The person an ASBO applies to must have behaved in a way that is likely to have caused harassment, alarm or distress to at least one person who does not live in their home.



Other legal action

This will obviously depend on the circumstances, but other legal action is available to deal with:

- dog nuisance;
- noise pollution;
- litter;
- filthy premises or ones with vermin (rats and so on);
- children who are not being supervised;
- abandoned vehicles;
- commercial repair of vehicles in domestic premises; and
- malicious phone calls.

Dealing with Nuisance Service

Standards: What should you expect:

- We will deal with all complaints of nuisance sensitively and
- We will keep you up to date on action being taken
- We will provide a mediation service to help resolve complaints with harmony
- We will publicise details of all of successful ASBOs, injunctions, curfews and evictions for antisocial behaviour.
- We carry out customer satisfaction surveys to check how we are performing on complaints;
- In all serious cases, we will keep case notes and agree an action plan with other interested agencies such as the police.

Dealing with Nuisance Service

Standards: Targets you can measure

- We will respond to all reports of racial harassment within 24 hours.
- We will respond to all complaints about neighbour nuisance within 24 hours if there is a risk of violence or damage to council property.
- We will respond to all reports of other neighbour nuisance within five working days.

Dealing with Nuisance:

Your responsibilities

The best way to deal with nuisance is not to let it happen in the first place. That means showing consideration for other people, and getting on with your neighbours.

- Introduce yourself when you move in - you could even become friends
- warn your neighbours if you are going to have a party
- keep your TV or stereo volume down at night
- train your dog so it doesn't bark unnecessarily.

If you would like this information in any other format including large print, audio CD/tape, Braille or translated into another language please telephone **0113 214 1942** and speak to the Equality Officer.



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Aire Valley Homes Leeds Head Office:

Navigation House
8 George Mann Road
Leeds
LS10 1DJ

email:

avhleeds.enquiries@avhleeds.org.uk

website:

www.avhleeds.org.uk



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